

SENATE BILL NO. 104

INTRODUCED BY J. ESP

BY REQUEST OF THE DEPARTMENT OF LIVESTOCK

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE TIME REQUIREMENTS APPLICABLE TO THE HOLDING OF ESTRAYS AND THE PUBLIC NOTIFICATION REQUIREMENTS RELATING TO THE DISPOSITION OF ESTRAYS BY A STOCK INSPECTOR; AND AMENDING SECTION 81-4-603, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 81-4-603, MCA, is amended to read:

"81-4-603. Taking up and disposition of estrays -- advertisement. (1) A stock inspector authorized by the department shall take into his possession an estray found in his the stock inspector's district and shall either;

(a) ship or arrange for the shipment of the estray to a licensed livestock market for sale; or

(b) ~~he may~~ hold the estray in his the stock inspector's possession and care for the estray in the cheapest and most practicable manner for ~~a period of not less~~ AT LEAST 10 DAYS AND NOT more than 30 days AFTER PUBLIC NOTICE IS PUBLISHED AS PROVIDED IN SUBSECTION (2) or more than 60 days, during which time he During the 30-day HOLDING period, the stock inspector shall advertise that ~~he holds~~ is being held and that, unless ~~the~~ estrays is claimed by the owner, ~~he will~~ on a date to be specified in the notice the stock inspector will sell the estray at a public auction to the highest bidder for cash.

(2) The notice ~~shall must~~ be published in ~~the newspaper doing the county printing of the county in which the estray is found and in addition to that paper in a paper published in the town or city nearest the place in which the estray is held~~ IN THE NEWSPAPER DOING THE COUNTY PRINTING OF THE COUNTY IN WHICH THE ESTRAY IS FOUND AND on the department's website and in each livestock market brand office and county sheriff's office in the state. This notice ~~shall be published at least once a week for 4 consecutive weeks and shall must~~ BE PUBLISHED IN THE NEWSPAPER AT LEAST ONE TIME AND MUST contain a statement of the date of the sale, the place where the sale is to be held, and a general description of the estray, including the sex and the approximate age, together with an illustration of the brand and the position of the brand on the estray and a description of the place or locality where the estray was found or taken.

1 (3) The proceeds from the sale ~~shall~~ must be disposed of under 81-4-605 and 81-4-606.

2 (4) The owner of the estray may appear and claim it at any time before the sale or shipment, as provided
3 in this part, upon payment to the department of the cost of caring for the estray as determined by the department."

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